

85<sup>th</sup> Legislative Session – 2010

Committee: House Local Government

Thursday, March 04, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Bolin  
P Cronin  
P Curd  
P Feickert  
P Frerichs  
E Lederman  
P Olson (Betty)  
P Romkema  
P Rounds  
P Solberg  
P Vanderlinde  
P Rausch, Vice-Chair  
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Kirkeby, Chairman.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 25, 2010

Moved by: Vanderlinde  
Second by: Rounds  
Action: Prevailed by voice vote.

SB 79: revise certain format requirements relating to real estate documents to be filed with the register of deeds.

Presented by: Representative Kristin Conzet

MOTION: AMEND SB 79

79ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. No business or other public or private employer may establish, maintain, or enforce a policy, requirement, or rule that prohibits any person from transporting or storing, on any real estate for invitee or employee parking, a firearm or ammunition if the person is otherwise in compliance with all applicable state statutes and rules and the firearm or ammunition is locked out of sight within the trunk, glove box, or other enclosed compartment or area within a privately-owned motor vehicle.

Section 2. Any person who is legally entitled to transport or store a firearm or ammunition, but is denied the opportunity to do so by a policy or rule prohibited by section 1 of this Act, may bring a civil action in the appropriate court to enjoin any business entity or other public or private employer from violating section 1 of this Act. In any actions brought pursuant to this section, court costs and attorney fees shall be awarded to the prevailing plaintiff."

Moved by: Bolin  
Second by: Olson (Betty)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 79

Moved by: Rounds  
Second by: Rausch  
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Cronin, Rounds, Solberg, Vanderlinde, Rausch

Voting No: Bolin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Kirkeby

Excused: Lederman

MOTION: AMEND SB 79

79ra

On the printed bill, delete everything after the enacting clause and insert:

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Section 2. Any person who is legally entitled to transport or store a firearm or ammunition, but is denied the opportunity to do so by a policy or rule prohibited by section 1 of this Act, may bring a civil action in the appropriate court to enjoin any business entity or other public or private employer from violating section 1 of this Act. In any actions brought pursuant to this section, court costs and attorney fees shall be awarded to the prevailing plaintiff."

Moved by: Bolin  
Second by: Olson (Betty)  
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Bolin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Kirkeby

Voting No: Cronin, Rounds, Solberg, Vanderlinde, Rausch

Excused: Lederman

MOTION: TO TABLE SB 79

Moved by: Rausch  
Second by: Rounds  
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Cronin, Rounds, Solberg, Vanderlinde, Rausch

Voting No: Bolin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Kirkeby

Excused: Lederman

MOTION: WITHOUT RECOMMENDATION SB 79 AS AMENDED

Moved by: Frerichs  
Second by: Cronin  
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Romkema, Rausch, Kirkeby

Voting No: Olson (Betty), Rounds, Solberg, Vanderlinde

Excused: Lederman

MOTION: AMEND TITLE OF SB 79

79rta

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "prohibit businesses and employers from establishing certain policies against the ability of an invitee or employee to store firearms and ammunition in a locked motor vehicle parked on the premises.".

On page 1, delete line 2.

Moved by: Rounds  
Second by: Frerichs  
Action: Prevailed by voice vote.

SB 80: clarify certain conditions of service by elected municipal officials.

Presented by: Representative Betty Olson  
Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS SB 80

Moved by: Rausch  
Second by: Curd  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Rounds, Solberg, Vanderlinde, Rausch, Kirkeby

Excused: Lederman

MOTION: PLACE SB 80 ON CONSENT CALENDAR

Moved by: Rounds

Second by: Rausch  
Action: Prevailed by voice vote.

SB 104: revise certain provisions regarding disclosure of public information and public meetings.

Presented by: Senator Dave Knudson  
Proponents: David Bordewyk, SD Newspaper Association  
Yvonne Taylor, SD Municipal League  
Bob Riter, SD Rural Water District

MOTION: AMEND SB 104

104jg

On page 3, line 3, of the Senate engrossed bill, delete "public bodies" and insert "any public body of the state or its political subdivisions".

On page 3, line 5, delete everything after ":" and insert "For the purposes of this section, a political subdivision or a public body of a political subdivision means any".

Moved by: Rausch  
Second by: Curd  
Action: Prevailed by voice vote.

MOTION: AMEND SB 104

104fc

On page 4, line 12, of the Senate engrossed bill, delete "appointed by a governing body that meets" and insert "which does not meet".

On page 4, line 13, after "§ 1-25-1" insert ", but was appointed by the governing body,"

On page 4, line 15, delete ", and the" and insert ". The".

Moved by: Rausch  
Second by: Curd  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 104 AS AMENDED

Moved by: Rounds  
Second by: Olson (Betty)  
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Olson (Betty), Rounds, Solberg, Vanderlinde, Kirkeby

Voting No: Romkema, Rausch

Excused: Lederman

SB 114: authorize municipalities to include flexible spending accounts, flexible spending account debit cards, and related programs and procedures with employee health insurance benefits.

Proponents: Yvonne Taylor, SD Municipal League

MOTION: DO PASS SB 114

Moved by: Rausch  
Second by: Rounds  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Rounds, Solberg, Vanderlinde, Rausch, Kirkeby

Excused: Lederman

MOTION: PLACE SB 114 ON CONSENT CALENDAR

Moved by: Rounds  
Second by: Cronin  
Action: Prevailed by voice vote.

SB 130: revise certain provisions concerning the township road system.

Presented by: Representative Steve Street

Proponents: Dick Howard, SD Association of Towns & Townships (Handouts: #1)

Opponents: Kenneth Mc Farland, Minnehaha County  
Bob Wilcox, SD Association of County Commissioners

MOTION: DEFER SB 130 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Feickert  
Second by: Vanderlinde  
Action: Was not acted on.

MOTION: CALL THE QUESTION

Moved by: Rounds  
Second by: Frerichs  
Action: Prevailed by voice vote.

MOTION: DEFER SB 130 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Feickert  
Second by: Vanderlinde  
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Bolin, Cronin, Feickert, Olson (Betty), Romkema, Rounds, Solberg, Vanderlinde

Voting No: Curd, Frerichs, Rausch, Kirkeby

Excused: Lederman

SB 155: revise the rules promulgation process for administrative rules with a financial impact upon political subdivisions of state government.

Presented by: Senator Corey Brown (Handouts: #2)  
Proponents: Yvonne Taylor, SD Municipal League  
Eric Erickson, SD Association of County Officials  
Bob Wilcox, SD Association of County Commissioners  
Randy Moses, Division of Insurance  
Staci Eggert, SD Sheriff's Association  
Dick Howard, SD Association of Towns & Townships

MOTION: DO PASS SB 155

Moved by: Rounds  
Second by: Olson (Betty)  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Bolin, Cronin, Curd, Feickert, Frerichs, Olson (Betty), Romkema, Rounds, Solberg, Vanderlinde, Rausch, Kirkeby

Excused: Lederman

MOTION: PLACE SB 155 ON CONSENT CALENDAR

Moved by: Rounds

Second by: Olson (Betty)

Action: Failed by voice vote.

MOTION: ADJOURN

Moved by: Rounds

Second by: Rausch

Action: Prevailed by voice vote.

Jeanette Black  
Committee Secretary

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Mark Kirkeby, Chair